

85th Legislative Session – 2010

Committee: Senate Health and Human Services

Wednesday, February 03, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Dempster
P Gant
P Hansen (Tom), Vice-Chair
P Jerstad
P Merchant
P Miles
P Adelstein, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Stanford Adelstein, Chair.

MOTION: TO APPROVE THE MINUTES OF MONDAY, FEBRUARY 1, 2010

Moved by: Dempster
Second by: Merchant
Action: Prevailed by voice vote.

SB 83: provide for the self-administration of prescription asthma and anaphylaxis medication by students.

Presented by: Senator Sandy Jerstad (Handouts:1, 2, 3)
Proponents: Pat Costello, Self, Sioux Falls
Dave Hewett, SD Association of Healthcare Organizations
Laurie Bauer, Department of Health
Sandra Fusco Walker, Self, New Jersey, Teleconference

MOTION: AMEND SB 83

83ja

On page 3, after line 1 of the printed bill, insert:

" Section 4. The provisions of this Act do not apply to any of the following group living environments:

- (1) A facility operated by the Department of Corrections;
- (2) A facility operated by the Department of Human Services;
- (3) A group care or residential treatment facility licensed by the Department of Social Services;
- (4) A residential treatment facility accredited by the Department of Human Services;
- (5) A community support provider as defined in § 27B-1-17;
- (6) An intermediate care facility for the mentally retarded;
- (7) A juvenile detention center or holding facility operated by a county; or
- (8) A hospital or health care facility as defined in § 34-12-1.1."

Moved by: Hansen (Tom)
Second by: Gant
Action: Was not acted on.

MOTION: AMEND THE PENDING AMENDMENT

83jb

On the pending amendment (83ja), in subdivision (6), delete "retarded" and insert "disabled".

Moved by: Merchant
Action: Withdrawn.

MOTION: AMEND SB 83

83ja

On page 3, after line 1 of the printed bill, insert:

" Section 4. The provisions of this Act do not apply to any of the following group living environments:

- (1) A facility operated by the Department of Corrections;
- (2) A facility operated by the Department of Human Services;
- (3) A group care or residential treatment facility licensed by the Department of Social Services;
- (4) A residential treatment facility accredited by the Department of Human Services;
- (5) A community support provider as defined in § 27B-1-17;
- (6) An intermediate care facility for the mentally retarded;
- (7) A juvenile detention center or holding facility operated by a county; or
- (8) A hospital or health care facility as defined in § 34-12-1.1."

Moved by: Hansen (Tom)
Second by: Gant
Action: Prevailed by voice vote.

MOTION: DO PASS SB 83 AS AMENDED

Moved by: Merchant
Second by: Dempster
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Dempster, Gant, Hansen (Tom), Jerstad, Merchant, Miles, Adelstein

MOTION: PLACE SB 83 ON CONSENT CALENDAR

Moved by: Dempster
Second by: Hansen (Tom)
Action: Prevailed by voice vote.

SB 92: revise certain provisions relating to the reimbursement of referring counties

for certain mental health services.

Presented by: Jay Alderman, Self, Rapid City
Glenn Brenner, Self, Rapid City
Proponents: Terrance Dosch, SD Council of Mental Health Centers
Opponents: Eric Bogue, Corson County (Handouts: 4, 5, 6)

MOTION: DO PASS SB 92

Moved by: Dempster
Second by: Jerstad
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 92 TO THE 41ST LEGISLATIVE DAY

Moved by: Hansen (Tom)
Second by: Gant
Action: Failed by roll call vote. (2-5-0-0)

Voting Yes: Gant, Hansen (Tom)

Voting No: Dempster, Jerstad, Merchant, Miles, Adelstein

MOTION: DO PASS SB 92

Moved by: Dempster
Second by: Jerstad
Action: Prevailed by roll call vote. (5-2-0-0)

Voting Yes: Dempster, Jerstad, Merchant, Miles, Adelstein

Voting No: Gant, Hansen (Tom)

SB 157: authorize the construction of nursing facilities on American Indian reservations under certain circumstances.

Presented by: Senator Jim Bradford

MOTION: DO PASS SB 157

Moved by: Dempster
Second by: Merchant

Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Dempster, Gant, Hansen (Tom), Jerstad, Merchant, Miles, Adelstein

SB 42: prohibit the employment of certain persons in unregistered family day care homes and to provide a penalty therefor.

Presented by: Dan Todd, Department of Social Services

MOTION: AMEND SB 42

42oa

On page 1, line 7, of the printed bill, after "appears" insert "on the sex offender registry or".

On page 1, line 14, after "appears" insert "on the sex offender registry or".

On page 1, after line 14, insert:

"

Section 2. That § 26-6-14.10 be amended to read as follows:

26-6-14.10. No person who has been convicted of child abuse pursuant to chapter 26-10; a sex offense pursuant to chapter 22-22; or, within the preceding five years, any other felony; and no person whose name appears on the sex offender registry or on the central registry for child abuse and neglect may:

- (1) Be licensed to operate a child welfare agency pursuant to § 26-6-14;
- (2) Be registered to operate a family day care home pursuant to § 26-6-14.2; or
- (3) Operate an unregistered family day care home as defined in § 26-6-14.8.

Any person who has actual knowledge that some other person is violating this section and who subsequently fails to report such violation to the state's attorney or local law enforcement is guilty of a Class 1 misdemeanor."

Moved by: Jerstad

Second by: Miles

Action: Prevailed by voice vote.

MOTION: DO PASS SB 42 AS AMENDED

Moved by: Jerstad
Second by: Merchant
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Gant, Hansen (Tom), Jerstad, Merchant, Miles, Adelstein

Excused: Dempster

MOTION: PLACE SB 42 ON CONSENT CALENDAR

Moved by: Hansen (Tom)
Second by: Merchant
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Jerstad
Second by: Merchant
Action: Prevailed by voice vote.

Cindy Louder
Committee Secretary

Stanford M. Adelstein, Chair